

# COBBETT'S WEEKLY POLITICAL REGISTER.

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TO THE

HAMPSHIRE PARSONS,  
ON

LORD ALTHORP'S TITHE-CIRCULAR.

*Bolt-court, 18. December, 1833.*

HAMPSHIRE PARSONS,—You stuck to me, like bloodhounds, from about 1808 to 1817, month of March, when you had the delight to see me driven across the Atlantic, in order to save myself from your CASTLEREAGH'S and SIDMOUTH'S dungeons; and, like a true-bred bulldog, I have *hung on* upon you from that day to this. Your hatred of me was inspired by my being an advocate for Parliamentary reform; but, particularly, by my strenuous efforts to put an end to *pluralities* and *non-residence* in the church. I was a *sincere* churchman; not that I had any peculiar attachment to its doctrines or its ritual; not because I thought belonging to its communion made men better than those who did not belong to its communion; but because experience had convinced me that an uniformity in the religion of a country was a most desirable thing; because it was reasonable and just, that those who had neither house nor land, and who were the millions of the country, and who performed all its useful labours, should have a church, a church-yard, a minister of religion, and all religious services performed for them, at the expense of those who did possess the houses and the land. In a word, in the church and its possessions I saw the patrimony of the working people, who had neither house nor land of their own private property. For these reasons I was a friend, and a very sincere friend, and able to be a very

powerful friend, of the church establishment.

But, in proportion as I was its friend, I was, of necessity, the enemy of those pluralists and non-residents, who were paving the way for its destruction, and who had engrossed the far greater part of all the church property in Hampshire, where I resided, and which county contained more of church property than any five or six others in the kingdom, and where the bishop had actually given to his own kindred benefices heaped one upon another, amounting to pretty nearly thirty thousand pounds a year, while the miserable curates were starving, and the people everywhere deserting the church, and crowding to the Methodist meetings. I began with remonstrances, as gentle as remonstrance could possibly be. But, gentle as it was, it brought your hatred upon me. Never disposed to put up with unjust treatment of any sort, from any body, your foul treatment of me was followed by resentment on my part: new acts of hostility from you, redoubled lashes of you by me; and this part of the history of my life, if it were possible to go into the detail of all the transactions, would make every honest man's heart bound with joy at the prospect of that retribution which is now about to fall upon you.

In 1817 you met at a county meeting, at WINCHESTER, under a general call and muster on the part of the bishop and the dean, to agree to an address to the Prince Regent and the Parliament, to thank them for the dungeon and gagging bills of CASTLEREAGH and SIDMOUTH, as being measures necessary to the security, amongst other things, of "*our holy religion*." This address was negatived by the meeting; but the sheriff (FLEMING, whose name was *WILKIS* the other day), presented it as having been carried; but, *your* conduct upon that occasion, who is ever to forget? Never, since the world was the world, was there assembled together a





Before I proceed any further with you, parsons, I will take the liberty to make a remark or two upon the grammatical composition of this CIRCULAR of my lord, who called me, the newspapers say, "an enemy to the education of the people." I do not pretend that my Lord ALTHORP is an "ignorant man," because he does not know that the word "*feel*," in the first paragraph, and the word "*should*," in the second paragraph, are two striking instances of nonsense; and because "*to request*," and "*to require*," are two very different things; and because he has thus sent forth a mongrel paper, neither private nor official; but I mention these things as instances, that a very sensible man, a man perfectly fit for his great office, a man of great experience, and possessed of a great store of knowledge with regard to all the affairs in which he is engaged, may, nevertheless, be so deficient in his knowledge of, or his care about, the words that he uses, as to expose himself to the criticism of men, mere word-mongers, that call it *education* to be able to avoid similar errors.

But, as to the *substance of this circular*, there is something most material omitted; namely, the NAMES OF THE SEVERAL TITHE-OWNERS. Several years ago, in remarking upon the diocesan returns, laid before Parliament, relative to the state of the churches, I observed that the returns ought to have been demanded from the overseers and churchwardens; that all the livings of every size, ought to have been included, instead of inserting only those that yielded less than a hundred and fifty pounds each; and that the names of the tithe-owners ought to have been given, together with all information relative to the state of the edifice of the church, and the number of persons usually attending such church.

The present returns, if, indeed, they come at all, will not answer the purpose intended by Lord ALTHORP. In the far greater part of the parishes, the churchwardens are the mere tools of the parson; to appoint one of the two he claims as a right, appertaining to his office as

parson; so that the return will be pretty much what the parson may wish it to be. Nevertheless, this will be ticklish work; for, if the parson put down his tithes at less than their amount, his *compensation* (for he will have that in his eye) will be the less. It will be the same with the impropriator; so that it will be an affair of difficulty for the tithe-owners themselves; but the great defects of the return will be these: we shall not know who the tithe-owners are; we shall not know the extent of the pluralities; we shall not know the amount of the impropriate tithes; because there is no column to distinguish them from the clerical tithes. In the parish of FARNHAM, for instance, in which I was born, the tithes are, as they must be in every parish, what my lord calls either rectorial or vicarial, or both. In this parish they are both; but the rectorial tithes belong to a lay-impropriator, and the vicarial tithes to a clerical incumbent; and, perhaps, the rectorial tithes amount to ten times as much as the vicarial. The return from FARNHAM will tell us nothing at all about this; or, at least, it will not tell us, that any part of the tithes are impropriate, and we shall have no means of judging from this set of returns, even if they were all made perfect, the proportion which exists between the lay and the clerical tithes. Then, again, there should have been a column to distinguish the tithes held by bishops, and by clerical and other *corporations*.

But a still greater defect, perhaps, will be the absence of all specific information which would throw light on the question of "whether the establishment be of *any use or not*?" There should have been these columns; or, rather, answers to these questions.

FIRST: Is there any church standing in the parish, or any chapel of ease, or other edifice, in which divine service, according to the rites and ceremonies of the church of England, is performed?

SECOND: If so, how often is it performed?

**THIRD:** Is the incumbent resident, and how long has he been resident in the parish?

**FOURTH:** Is there a parsonage-house standing in the parish and kept in repair?

**FIFTH:** If the incumbent be resident, does he reside in the parsonage house?

**SIXTH:** If there be a curate, what is the amount of salary which he actually receives?

**SEVENTH:** What is the number of persons that reside in the parish?

**EIGHTH:** If there be a place of worship belonging to the establishment, in the parish, what number of persons usually attend divine service, in the said place of worship?

**NINTH:** Is there a dissenting meeting-house in the parish; and, if more than one, how many of such houses?

**TENTH:** What is the number of persons that usually attend divine service in this meeting-house; or in these meeting-houses in your parish?

These questions being answered, and a true general return made out, we should have a fair and full view of this matter: and we should find about two hundred and thirty parishes without a church or chapel standing in them. We should find two thousand parishes, or more, in which the bishops and parsons have suffered the parsonage-houses to tumble down; we should find another two thousand, or thereabouts, with parsonage-houses, but unfit for people to live in, and turned into mere cottages or cow-sheds; we should find, in most places, two meeting-houses to one church or chapel; and I verily believe that we should find, that there are ten persons going to dissenting meeting-houses, where there is one person goes to a church or chapel of the establishment.

This is the sort of return that we must have before the thing be over. This is the sort of return to have, and have it we must; and when we have it, will it be possible to find on this earth, except amongst the pluralist and non-resident parsons, a man so impudent as to assert, that the upholding of this

establishment is necessary to the purposes of religion? Not one; not one in this whole world; while the common sense of every man must tell him that, if anything could completely eradicate all sense of religion from the minds of the people, that dreadful purpose would be effected by the continuance of this establishment.

Parsons, this is the *strong ground* whereon to stand in attacking you: the argument of the Quakers against paying tithes, as being *unscriptural things*, are feeble, and, indeed, not worth a straw; for they cannot hold good with regard to a lay-impropriator, at any rate; and, the argument of the dissenters on the score of *religion* is just the thing that you want; for then it becomes a contest for faith, and then you have a great number of partizans; but make it, as I do, a question of property, and inquire, as I do, into the application of that property; show, as I have a hundred times shown, that this property belongs to the *people at large*; then the people will rightfully call upon the Parliament, for the applying of that property to the best advantage for the people.

What precise measures the Ministers may intend to propose, I cannot even guess; but I know one thing, and that is, that nothing short of complete abolition of every species of tithe will be effectual in the preventing of something that is very like what is called revolution. What! a parish without even a church or chapel standing in it, paying four or five hundred a year in tithes, as things due to God and religion! What! three or four parishes paying tithes to one rector or vicar, and he at Rome for ten years at a time, notwithstanding the solemn declaration that he made at the altar at the time that he was ordained! What! four parishes in Hampshire, knowing that Lord GUILDFORD has the tithes of them all, seldom or never seeing even the face of Lord GUILDFORD, and only hearing that he resides at WALTERSHIRE, in Kent; and told, at the same time, that the tithes of all these parishes are paid to "God and religion," while this manifold rector is, they read of in the newspapers, carrying on prose-



cutions for the violation of the game laws! What! the people see the Reverend THOMAS PENROSE with two livings in this church, receiving for twenty-one years, a pension of two hundred and thirteen pounds a year out of their sweat, for having been a political *chargé d'affaires* at FLORENCE five months in the year 1800! A thing impossible! The thing cannot stand! I trust, that it is to be put down by law, and that thus we may be spared the horrors which must arise out of any other mode of putting it down.

An established church, a church established upon Christian principles, is this: that it provides an edifice sufficiently spacious for the assembling of the people in every parish; that it provides a spot for the interment of the dead; that it provides a priest, or teacher of religion, to officiate in the edifice; to go to the houses of the inhabitants; to administer comfort to the distressed; to counsel the wayward; to teach children their duty towards God, their parents, and their country; to perform the duties of marrying, baptizing and, burying; and, particularly, to initiate children in the first principles of religion and morality; and to cause them to *communicate*; that is to say, by an outward act of theirs, to become members of the spiritual church of Christ: all which things are to be provided for by those who are the proprietors of the houses and the lands of a parish; and when so provided, are to be deemed the property or the uses, belonging to the poorest man in the parish, as well as to the richest.

This is an established Christian church; and this, you, the parsons, will tell the people that they actually have; and you will tell the people who have no house and land, that in calling for the abolition of tithes, they are, in fact, calling upon the rich to take from them, the poor, the only property that they have in the country. Alas! you will tell them this in vain: they know, that the church is not this thing now to them: they know that you do not visit their houses, and comfort them when they are sick, except in instances so very rare, that they hardly

ever hear of them; they know that you do not teach their children; and that, though the churchwardens annually certify to the bishop, that the children *communicate*, hardly a working man in the kingdom ever saw or heard of such a thing being done; they know that you are frequently on the benches perched up as justices of the peace; they know that you frequently sentence them to punishment without trial by jury; and sentence them to transportation for what is called poaching. This is the capacity in which they now know you; and to induce them to stir hand, foot, or tongue, in defence of this establishment, is no more possible, than it is to induce a Jew to give up a farthing of his interest.

The common, or working, people, and small farmers and country tradesmen, were the only prop that the established church has had for more than half a century. That prop is now gone: the people no longer trouble themselves with *sectarian disputes*; and, if we come to that, the church is as *much a dissenter as any other sect*. Mark that, parsons: if you have not opened your eyes before, open them now. *Dissenter! Dissenter from what?* Dissenter from the church established *by law*? That is to say, a person who disagrees with another upon a point settled by *men*, who lived no very great while ago, and who could be no more inspired by God than men of the present day are. Is there any man who has the impudence to say that this establishment was ordered by JESUS CHRIST, or by his apostles? Oh, no! We know very well who it was ordained by: we have the *acts of Parliament* to refer to; and we know very well that that which an *act of Parliament* can make, another act of Parliament can unmake. Presbyterians, Independents, Baptists, Anabaptists, Unitarians, Methodists (of six sorts in the cracked-skull county of York), Jumpers, Rumpers, Ranters, Quakers, Shakers, Separatists, Muggletonians, Brownists, Bryanites, Calvinists (of five distinct sorts), Socinians, Southcotonians, Swedenborgers, Huntingdonians, Universalists, Freethinking Chris-

tians, Simonians (a sect of the newest cut, just imported from Paris), and Lutherans: all these, and many, many others, are, it is very true, dissenters from the established church; but *she herself is a dissenter!* And I believe she would be put to it for an argument to show what right she has to these tithes any more than any other sect, especially of all the sects put together. The *law!* Does she talk of *the law*? Does she say that she founds her right on the *law*? Agreed. We know, alas! too well, that she now has this law; but we have the happiness to know that acts of Parliament are not eternal, and that that which the law has done the law can *undo*. In short, we are all a mass of dissenters together; and one sect has no more right to the tithes and the edifice of the church than another sect, other than the right given by the law, which may rightfully be repealed at any time that the Parliament may choose to repeal it.

What! do I, in consequence of the treatment which I have received; do I, in consequence of the injustice, the oppression, the venomous malignity that I have experienced from the clergy of this church, wish to see it totally *overthrown*; the church in which I was born and bred up? In the first place, this present church, considering all the circumstances connected with it, *is not* the church in which I was born and bred up. The parsons of that church were not invested with the power of fining people, and causing them to be imprisoned and castigated, without trial by jury; the parsons of that church were not invested with the power of transporting men for seven years for being in pursuit of partridge, pheasant, or hare; the parsons of that church had not, after having deserted their flocks by hundreds and hundreds, and incurred numerous heavy penalties in consequence of their total neglect of those flocks; the parsons of that church had not, after having done this, petitioned the Parliament for a law, and obtained a law, to bear them harmless for their offences, and to leave them at liberty to desert their flocks in future with impunity; the parsons of that church had

not been receiving half-pay as military and naval officers; they had not been pocketing *retaining fees for future naval and military services*, while, at the very same time, they were wallowing in the amount of tithes and oblations; the parsons of that church had not added to the burdens of the broken-backed people by getting one million six hundred thousand pounds voted to them *out of the taxes*; the parsons of that church did not come as witnesses for a committee of the House of Commons, and recommend a *hired police* to be sent into the villages of England. The parsons of the church in which I was born and baptized and bred up, actually taught the children in their churches; and I was taught my catechism, not in a humbug *heddekashun* shop, but, before I was able to read, was taught it by the parson in the church. This present church, then, *is not the church* in which I was born, baptized, and bred up.

A parson of this present church, named ROBERT WRIGHT, who is rector, I think, of the parish of ITCHIN ABBOTTS, in Hampshire, came before a committee of the House of Commons, during the last session, recommended a *police establishment for the country parts*; said, that he had been in communication with the Secretary of State for the Home Department, upon the subject of political writings which were read by the people in his village and in other villages; said further, that he had established a *little police of his own, in his own village, at his own expense, and that by the means of this he had made many important discoveries with regard to acts committed by the people in the villages*.

Now, never did I hear of anything like this of the parsons of that church in which I was baptized and bred up. That church had *no police*: that was not a *police church*: the parsons of that church used, as I understood, to have nothing to do with the people but to teach them religion and morality; to baptize, to marry, to church the women to visit and console the sick, to bury the dead, and to set the flock an example



sobriety, moderation, peaceable demeanour, friendly conduct, and Christian charity; that is to say, in feeding the hungry, clothing the naked, and harbouring the harbourless. This present church is, therefore, not at all like the church in which I was baptized and brought up: so that the argument against me, founded on the presumption, that I am turning against the church in which I was born and bred up, is thus completely demolished.

And, with regard to my *MOTIVE* being that of *revenge*, arising out of the injustice, the oppression, and the venomous malignity that I have experienced from the clergy of this church: with regard to this point, I am by no means disposed to deny that my own personal ill-treatment by this clergy, and by you, the Hampshire parsons, in particular; I am by no means disposed to deny that this has some weight with me; but, because I have suffered by this clergy, am I, therefore, to be deemed incompetent to join others, to join the millions who make complaints against the establishment to whom this clergy belongs, and for whom it is sustained? Because parson RUSH, parson DAY, and another parson fellow in Cambridgeshire, endeavoured to play me a deadly trick; and because parson SLAPP was in correspondence with the Marquis of BLANDFORD, and chuckled till the slobber went down upon his band, at the Marquis's intelligence that I had fled the country on account of my connexion with the press; because this has been the case, I am incompetent, am I, to speak or vote for any measure that shall be deemed hostile to the clergy of this church, one person of which has told the Parliament that he has a "*petty police of his own*," at his own expense?

Besides, if "*overthrown*" it is to be so, that it is to be, in the end, no one can doubt, let it be observed, that I am not the overthrower; that I have never assisted in the work; but that, in spite of all the ill-treatment that I received from the clergy, I was, for many years, a zealous defender of this very church; and if I saw any hope of its being brought back to what it was when I was

baptized in it, I would endeavour to forget RUSH and DAY, and the Cambridgeshire fellow, and SLAPP, and even YOU, the Hampshire parsons (though that would be hard work indeed); I would endeavour to forget the non-residence Act of 1802; to forget the half-pay received along with the tithes and oblations; to forget the one million six hundred thousand pounds voted out of the taxes for the poor clergy of the church of England, while bishops were receiving thirty thousand pounds a year, and while numerous clergymen of the church were receiving the revenues of many livings each, and of deaneries, prebends, and other things at the same time. But, if I could forget all these, and if I were possessed of a thousand times the talent that I possess, and a thousand times the zeal and the industry in the application of that talent, I could now do nothing in the way of sustaining this church, which is given up by the church-people themselves; who, to all appearance, are more eager even than the dissenters, for a total change with regard to this establishment. The change is the wish of the whole nation, except the parties immediately interested in the upholding of the thing; and those parties are, comparatively, very few in number, and very feeble in point of influence. It is no longer a question of *religion*, but of mere money; and the simple question is, shall the tithes be taken to *HELP PAY THE INTEREST OF THE DEBT*, or shall they not?

I shall be asked, why I say this; and it will be observed to me, that neither Lord ALTHORP, nor any body else, has said any thing about applying the tithes to the interest of the debt; and that I am quite mistaken, for that it is the *landlords* who will pocket the tithes, and not the fundholders. And I should say this, too, if my eyes had never penetrated beneath the mere surface of things. But, I know that the revenues of this church belong, in fact, to the landlords now; and that, therefore, if they cease to be received, it is the landlords, *as a body*, who must lose. But, how are the tithes to find their way to the fund-

holders? The fundholders now want more to put into their own pockets, and to pay the army necessary to the collection of the taxes: they want more than the people can pay, without a large part of them being reduced to live upon potatoes and salt: the people have shown that they will not be reduced to live upon potatoes and salt: some body of receivers must, therefore, give up: the fundholders will not; the army will not; the dead-weight will not; the people are divided in their opinions about all these; the aristocracy are afraid to touch the grand charge, the fundholders; and all men agree that tithes are burdensome, vexatious and unnecessary. It is agreed by all parties, now, to call them a *tax*; and this tax the people are resolved to have taken off.

There is no question that the abolishing of the tithes would leave, in the several parishes, more money to be expended on labour, and would cause the rest of the taxes to be less severely felt. It is the pressure of the taxes that cripples the farmer, and compels him to go to the workhouse himself, or to half-starve his labourers. Yet, these taxes must continue, or the fundholder must experience diminution of his interest: take off the tithes, and you give the people more ability to pay taxes; and thus the fund-usurer gains a respite, at any rate. The tithes are a sop tossed into the jaws of the monster; not the last sop that he is to receive, by any means: and thus it will be, that a debt, a great part of the object in contracting which was, to prevent the abolition of tithes in England, will produce that very abolition.

In what way the Ministers mean to go to work, I know not, and I care very little. I know that they are only preparing to strike the first blow at those roots which have been laid bare for a great many years. I remember, that, in 1830, I told Sir JAMES GRAHAM, that I fancied I saw him stripped in his shirt and collar unbuttoned, and hat off, driving away with his mattock, to accomplish that very thing, for endeavouring to accomplish which, he was un-

justly reproaching others. However, it is not a mere chop that is now to be given to this tree. It is now to be a rooting up altogether. Those who have their roosts seated on its branches are, naturally enough, beginning to make a dreadful cawing and clamour, just as when the axe begins to rattle on the stems of the trees of a rookery. In that case the possessors take their flight to an adjoining wood; but in this case there will be no adjoining wood; the world will be all theirs, just as it is that of the gnats and the flies. AMEN, and so farewell, for the present, Hampshire parsons.

### TO THE READER.

THERE will follow several articles under the following heads:

1. Heddekashun.
2. Common Council.
3. Trial of Libel upon Furzey.
4. Rights of Industry.

With regard to the first, which is a letter from Mr. Morrison, of Dunfermline, I am tempted to call it the very best communication I ever received in my life for the *Register*. I do beseech the reader to look at the stanza or bit of rhyme, quoted by Mr. Morrison from one of the class-books of the heddekashun devils. I said, that I should wonder if they took my heddekashun hymns and used them in good earnest. Do pray look at this stanza, and then say whether I was not right when I said that the heddekashun was intended to brutify and enslave the working people. Mr. Morrison's letter is complete: it wants no addition: let the letter be answered, before any attempt to put forth his stupid out-cry against me upon this subject.

The second article is an account of proceedings in the Common Council which proceedings deserve the attention and particular attention, of my readers. I have said, for years, that the Common Council of London was worse than even the boroughmonger House of Commons was; and here we have ample proof that it is no changeling.



clamours with which the statement of Mr. Williams was met, would alone be sufficient to call support around him from the voice of every honest man in the city. Mr. Williams knew pretty well what the Common Council was before he was put into it, but it surpasses even his anticipations. His statement will, however, make impression upon the citizens of London and upon the people at large: it is the first time that this monstrous enormity was ever described in the Court of Common Council in the proper manner. As a citizen of London Mr. Williams has my thanks most cordially: he has all the ability and all the means of every description, of shaking this rotten fabric to its foundation; and I do hope that he will proceed, not being diverted from his purpose by cajolery, as I am sure he will not by threats: on his courage we may safely rely: I only fear from his disinclination to give pain. But, when under this sort of feeling, I call upon him to recollect, that the just judge has a disinclination to cause the halter to be put round the neck of the robber: the judge has no pleasure in giving pain; but it is necessary that he do it: it is necessary that he punish the guilty, in order that the guilty may not continue to punish the innocent. If ever there were robbed people, it is we citizens of London. I look upon myself as a fleeced creature, always kept shorn close to the skin, the moment the wool begins to grow; and, now and then, as in the case of the old-church and new-church rates, both paying at the same time, and without any church to go to, I feel the shears of the corporation taking a nip out of my skin; and if Mr. Williams were standing in the court while the tax-gatherer is nipping me, he would hear me utter a sort of plaintive blate, which, accompanied with the look that I give, would make him feel that it was his duty, and his bounden duty, to give pain to my inexorable oppressors; especially when he reflected that the sufferings were inflicted upon me for the purpose of furnishing forth the groaning table of the guttlers and guzzlers who roared so loudly when he was giv-

ing a representation of their enormities. However, having a great general regard for Mr. Williams, as well as owing him a great deal of gratitude as a public man, I do not wish to urge him into the putting of his body in actual peril: let him bear in mind that the mouths that he so justly complains of *have teeth in them*, from which it is much safer to be at a convenient distance than otherwise. In short, I trust he will do all he can for us without an actual exposure of himself to the severity of those teeth.

The trial of Furzey, that is to say relative to the gross and malicious libel on him, and the admirable speech of Mr. Phillips, are worthy of great attention. This is what the lawyers would call a remanet, meaning, in plain English, a remainder of the Calthorpe-street affair. I am by no means glad of any ill that happens to the proprietor of the *Morning Chronicle*, if he be the person that he is generally thought to be; but I am glad that this trial took place, and that there was public spirit enough to assist this poor man in obtaining justice. What was the ground of this charge of libel? Furzey was in Newgate, waiting his trial on a charge of having murdered Culley: there was he, his wife having one child or two, and being with child again, his life depending on what should take place in a few days; and he as inoffensive, sober, and honest working man as any in the kingdom. Remarkable for his excellent conduct as a husband and a father. A few days before the trial, the *Morning Chronicle* declares most explicitly, that a person who saw the murder of Culley committed, had been to Newgate, seen Furzey, and ascertained that he was the murderer. Furzey was tried and acquitted; though here was the thing of all others calculated to produce an impression on the mind of the jury that he was the guilty man. This was precisely that sort of libel which ought to be punished in some way or another; and if such libels be not punished, no man's character or life can be safe.

I should make some remarks on the articles which have been published on the *rights of industry*, and also on the

letter of Mr. Larkin to Mr. O'Connell on the strange letter of Mr. Pease, the member for south Durham; but, I must reserve these observations for another time.

### " HEDDEKASHUN " AND " HANDICATION."

*Dunfermline, 15. Dec., 1833.*

RESPECTED AND DEAR SIR,—You first set me right about "learning"; that was more than twenty years ago; and for that singly, I owe you eternal gratitude: the instruction on other subjects which I have received from you, makes the debt infinite.

In corroboration of your observations on the degrading and enslaving tendency of the "heddekashun" system, I beg you will look at a stanza of doggerel from a compilation by a great *heddekashunist*, the late Rev. Dr. Thompson. "The Scotch system of education," like "the Scotch system of banking," is much extolled: here is a sample from a popular class-book!

"What though I be poor and mean,  
"I'll engage the RICH to love me,  
"While I'm modest, neat, and clean,  
"And submit, when *they* reprove me."

I never saw my youngest son in a greater rage than when, at the age of eleven, he first observed, and read to me this passage. Can you, sir, can any one read it, without *swearing*?

The TORTURE of mind and body to which the child is subjected during the *heddekashun* process, is extreme. In childhood "we place the bliss in action"; how painful, then, must be the long and rigorous confinement, during the long school-hours! A great part of the mental exercise is that of memory only; or, if intellect and imagination are at all excited, they are so by subjects the most abstruse, repulsive, and painful. The rotation of the *Shorter Catechism*, forms an essential part of the Scotch system of education; and answers to questions of such characters are flogged out of very young children! Burns says,

"Faith! wee Davoc's turn'd sae gleg,  
"Though scarcely langer than my leg;  
"He'll screed ye aff *effect'al callin'*  
"As fast as ony i' the dwellin'."

And, here is effect'al callin'—

"Answer. Effectual calling is the the work of God's Spirit, whereby convincing us of our sin and misery, enlightening our minds in the knowledge of Christ, and renewing our wills, he doth persuade and enable us to embrace Jesus Christ, freely offered to us in the Gospel."

What labour must it be to get by rote, one hundred and seventy sections like this; many of them much longer and more revolting; some absolutely *horrifying*! "*Tidings of Damnation*": "*The wrath and curse of God; all the miseries of this life; death itself; and the pains of hell-fire for ever*!!" Such are the subjects upon which infantile imagination is exercised. Oh! I remember, as I do events of yesterday, the sleepless nights, the horrific dreams of an awful devil and tremendous hell; the terrible associations of a common fire with "the lake that burns with fire and brimstone"; and of the broiling of a herring on the gridiron, with the "never-ceasing and endless torments of soul and body," of probably, myself, my parents, brothers, sisters, and school-fellows; and *certainly*, of nine hundred and ninety-nine of every thousand of the sons and daughters of Adam; all of which I experienced before my tenth year! Is it at all surprising, that under this damnable *heddekashun*, children of sensitive feeling and lively imagination should go mad, or become imbecile through life?

Those of more obtuse feeling do not altogether escape suffering: to "learn the questions," morning and evening, is no easy task; and the fear of disgrace, extra-confinement, and corporal punishment, often severely inflicted, renders that period of life which nature designs for the happiest, the most wretched of human existence.

Of the evils of *heddekashun* and benefits of *handication*, I am myself an example among hundreds who surround me. I have prayed and I have preached; drawn wind-bills, and shuffled bank-notes, all within the same period of time, expecting, what the Scripture declares incompatible, a fortune in this



life, and a crown of glory in the life to come; alternately enduring a feverish excitement, mistaken for happiness; and suffering the most acute anguish from fear of bankruptcy, and its consequences injury of creditors and friends; loss of *caste*; being "set to work"; and probably, unable thereby to provide common necessities for myself and family: and all these sufferings, I have a thousand and a thousand times traced back to their origin, *heddekashun*, and the vanity which it engendered.

And, why was it that, after being *smashed* by imprudent speculation, fall of prices, and fluctuation in the value and issues of bank-paper; why was it that I was not irrecoverably ruined and completely broken down; or driven to despair, insanity, crime, or suicide? And how is it that I now enjoy health, competence, serenity, independence, and even *respectability*, in the best sense of that term? All these, and other enjoyments, I owe to *handication*. Blessed be God, I learned in youth to make and mend shoes: the *awls* were my resource, and they have not failed me.

How sweet, in my experience, is the bread which one earns with his own hand! Sound, refreshing, and invigorating is "the sleep of the labouring man." His "blinks o'rest"; his evenings and holidays are, indeed, "sweet enjoyments": his "Saturday nights," at his own "fire-side," enlivened by a glass of ale, with family, friends, and neighbours, are delectable: and in my individual case, what can exceed the pleasures of the reading-room exercises, especially on Sunday evenings, for which *Cobbett's Register* is always the lesson? To form one of a congregation composed of the high and holy order of "workies"; all sober, clean, well-dressed, polite, acute, rational and intelligent; to witness their generally profound attention to the reader: to hear and to join in their occasional arguments, criticisms, encomiums, or laughter—these are to me sources of the purest and highest enjoyment.

The "workies," Mr. Cobbett, may well pray, "Save us from our friends."

There is "The Working Man's Companion," a "white-fingered fellow"; who, shrouding his gross ignorance, or covering his wicked designs by a linsey-woolsey warp and woof of truisms and sophisms, or by a mass of *heddekashunal* technicalities; alternately flattering and insulting, and insulting when he intends to *cajole* us; advocates, not "*The Rights of Industry*," but *THE WRONGS OF IDLENESS*. There is a coxcomb, a *Junius Redivivus*; I hate to write his pedantic signature; *Jun.* has discovered that *heddekashun* is the basis of representation; and has the modesty to offer us a Catechism, the repeating of which, is to be the test of qualification of voters: that is to say, every one who can con *Jun.*'s Catechism, is to be an elector: he who cannot, must lose his franchise, or remain unrepresented! Would not the making of a coat, a pair of shoes, the tilling of a rood of land, or the performance of any other piece of useful labour, form a better test of qualification, as to both electors and representatives? Aye, though it should exclude *Jun.* himself, and all his un-handicated tribe. Passing Mother Goose Martineau, the story-teller, and other understrappers of the great *Wiggie Brougham*, here is just another of our many friends and would-be instructors and Mentors, our *historian*, too, Mr. J. Wade: when this *heddekat*ed blockhead prates in *feelosofic* slang, of "appropriating women," I am tempted to throw his book, dear as it is, into the fire; and when I read, "not being *appropriated*, they would have no exchanegable *price*," were the presidentess of a female union at hand, I would say, Madam, "appropriate" this *beast*, by a good ducking, to the diversion of our worthy sisters on their first holiday; and, in tradesman's phrase, I warrant you he should "catch it"; especially, as he has committed the sin against the Holy Ghost, and against woman, by advising one half of the men to remain bachelors, and half of the women to be old maids: a precious *state of society*, truly!

To conclude this long epistle; as I am no knowledge-society man, *condescending* to teach the workies; no work-

ing man's companion, designing to mislead them; nor demagogue, wishing to make them a ladder by which I may leave my order, and ascend to the grade of the *heddekated* and "*respectible*"; but the working man's self, having no expectation, scarcely ever a transient wish, but to make and mend shoes, as long as I have strength to bore with the awl, or sight to put through the bristles; may I hope for the condescending notice of Mr. Cobbett, and the attention of all whom the subject may concern.

In the words of Paul, I warn and advise my working brethren, "Take heed lest any man spoil you, through philosophy and vain deceit. Grievous wolves shall enter in among you; not sparing the flock; and, *through covetousness shall they, with feigned words, make merchandise of you.* Forsake not the assembling of YOURSELVES together; *teach* and exhort ONE ANOTHER; and so much the more *as ye see the day approaching.*"

I am,  
respected and dear sir,  
your obedient servant,  
and grateful disciple,  
THOS. MORRISON, sen.

## CORPORATION OF LONDON.

### MANSSION-HOUSE REPAIRS AND EMBELLISHMENTS.

(From Nicholson's Commercial Gazette.)

On Thursday a Court of Common Council was held for the dispatch of public business. The following was among the most important matters that engaged the attention of the Court:

Mr. Deputy DAW moved, the Court do agree with the Report of the Committee, recommending an outlay in repairing, furnishing, and embellishing the Mansion-house.

Mr. WILLIAMS (of Watling-street) opposed the adoption of the Report. Upon looking into the City accounts, he found the cost of the Mayoralty so enormous, especially the expenditure upon the Mansion-house, which amounted last year to no less a sum than £,726*l.*, of which 3,500*l.* was for repairing and embellishing, and the remainder for furniture, taxes, tithes, various tradesmen's bills,

&c., that he thought it was the duty of that Court, in the present distressed state of trade, and the call which he heard from every quarter for relief from burdens and taxes, to institute a *rigid inquiry* into this *most extravagant expenditure*, before they voted another shilling. He (Mr. W.) found by the accounts of last year, that the office of Lord Mayor, with its appendages, costs the citizens upwards of nineteen thousand pounds! independent of 2,699*l.* for alienation of officers of the Lord Mayor's household; and there were, besides, many other good things, the value of which he could not get at, such as a toll upon oranges and other foreign fruit imported into the Port of London. (Hear, hear—No, no.) He (Mr. W.) expected that giving publicity to this extravagant waste of the public money would be unwelcome to those around him; he had therefore come prepared. The paper which he held in his hand contained every item connected with this extravagance, and which, if they wished it, he would read. He had also the accounts, which they might compare with his statement, and put its accuracy to the test. He (Mr. W.) did not grudge a liberal allowance to the Lord Mayor, to enable him to sustain with dignity his situation of chief magistrate, but *wasteful expense* reflected neither lustre nor dignity upon any office; and he trusted the Court would feel itself called upon by their duty to their fellow-citizens to tolerate it no longer.

Mr. W. then went on to state, that the Lord Mayor of London cost the citizens three times more than the President of the United States, who was the most distinguished man for every great quality amongst a free and enlightened population of thirteen millions! and our Lord Mayors were not always the most celebrated for wisdom. He cost more than our three Secretaries of State, although the one for the Home Department was at the head of all the magistracy of England—nearly as much as the magistrates and their clerks of the other ten police-offices of the Metropolis—twenty-four times more than is altogether expended upon the justice-room at Guildhall, although it does more than one-half the magisterial duties of the City; and thirteen times more than the expenditure of the justice-rooms of the Town Hall of Southwark, including a salary of 800*l.* a year, paid to the magistrates who are Aldermen of this City.

Much has been said (continued Mr. W.) about the corruption of the Corporation of Liverpool, whose revenue nearly equalled that of this City. The expenditure upon its Mayor, which appears by the recent investigation before the King's Commissioners, did not exceed 4,000*l.* per annum. They are great economists compared with this Corporation, and exhibit to our own pure "*immaculate*" concern, an example worthy of imitation.

He did not impute to the Lord Mayor,



or to any of his predecessors, the *cause* of this extravagance; he imputed it to that Court, which had the undoubted power to control and diminish the expenditure. The Lord Mayor was placed in a similar position to the idol god of the Babylonians, who had the credit of consuming a great quantity of meat and wine; but it turned out the good things were devoured by the priests. His Lordship could boast of *auxiliaries* in this Corporation equal to those priests, and who devoured the immense sum of money of which he complained, but which the Court never would allow, if they did not themselves participate in consuming it.

He wished to see the Lord Mayor relieved from a sort of obligation to keep the Mansion-house open as "an eating-house" for the Corporation, which lowered the character and dignity of his office; and to accomplish this, he would not cease to use his best efforts; but what he most of all concerned himself about, was relieving his fellow-citizens from the unnecessary burdens occasioned by this extravagant waste of money. **FOR ALL COMES OUT OF TAXES LEVIED UPON THE CITIZENS.** (Great uneasiness was here manifested by the Court, and this statement created much confusion; several members got up and stoutly denied it.)

Mr. Williams resumed: he expected to be answered by those denials, which were much easier *made* than *sustained*; but he held in his hand the account-book, and *to that* he would stick. He could prove, from that book—and he would read the items if they wished—that this Corporation levied upon the citizens in *indirect taxes* to the amount of 96,000*l.*; and in *direct taxes* exceeding 100,000*l.* last year! And the Corporation had besides a revenue from land, houses, and other sources, of more than 55,000*l.*! Could they deny this, and at the same time look at that book? They received 10,500*l.* last year from a *tax upon Corn*, and 37,000*l.* from a *tax upon Coals*, two of the most indispensable necessities of life!

He (Mr. W.) had confined himself to the motion before the Court, which only embraced the Mayoralty; but if he were allowed to go to *other subjects of expenditure*, he could prove *equal*, if not *more flagrant*, extravagance and waste of the public money. There was expended upon two boats last year, called the Navigation Barge and shallop, 2,085*l.*, under the designation of stores, disbursements, painting, glazing, carving, colours, &c. &c.; and about a similar sum is annually expended upon those craft—a sum which he would venture to say, exceeded the expenditure upon any two of the King's yachts.

In conclusion, Mr. W. said, he regretted the motion confined him to the expenditure of Mayoralty; he wished to extend to the whole Corporation, and moved an amendment (which was afterwards withdrawn), and instead gave notice of the following motion:

"That it be referred to a Special Committee to Inquire into the yearly amount of this City's revenue—the various sources from which it arises, and how and in what manner it is expended—specifying each item in detail, both at the present time and in the year 1797; and that it be an instruction to the said Committee to report its opinion to this Court, whether any, and if any, what reductions can be made in the several items of expenditure."

Mr. LAURENCE seconded the motion.

Alderman HARMER said that it was a mistake to say that the money had been expended in beautifying and furnishing the Mansion-house. The fact was, the cost arose from substantial repairs. (Hear, hear). It was absolutely necessary to go to the expense incurred to prevent the house from falling down. (A laugh). For 10 or 20 years it would not be necessary to incur similar expense.

The LORD MAYOR said that if the expenses of the Lord Mayor were paid out of taxes levied upon the poor, as had been stated, he never would consent to hold his situation upon terms of the kind. (Cheers).

Mr. C. PEARSON said that he was determined to bring the matter before another tribunal on Monday next (the Commission of Municipal Inquiry). He would assert that the money with which the Mayoralty was supported was paid out of the pockets of the people; that the necessities of life were taxed to sustain it.

Mr. WOOD said that the Lord Mayor was entitled to a large share of the funds, for which the present allowance was given as a recompense or compromise.

The amendment, as we have already said, was finally withdrawn, and the Report was agreed to.

## COURT OF EXCHEQUER.

(Sittings in London in Nisi Prius, before the Lord Chief Baron, and a Special Jury).

(From the True Sun of the 18. Dec. 1833.)

**LIBEL.—FURZEY V. CLEMENT.**

Mr. Jemmett opened the pleadings.

Mr. C. Phillips stated the case for the plaintiff, who was, he said, a man in humble circumstances, the defendant, on the contrary, being an opulent man, in a highly influential station. Mr. Clement was the proprietor of the *Morning Chronicle* newspaper; and this action was brought to recover damages for the injury which the plaintiff had sustained, in his feelings and character, from a libel which was published in that journal. That libel he did not hesitate to pronounce one of the most

cruel and cold-blooded that ever issued from a licentious press. If that libel were suffered to constitute a precedent, it would leave upon his (Mr. Phillips's) mind the unalterable conviction, that no man in the country could be safe in his character, his peace of mind, his liberty, or his life. It was necessary for him (Mr. Phillips) to touch upon a subject which was in no ordinary degree painful and hazardous; and he should therefore be as brief as possible. He was compelled to advert to the circumstances in which the libel originated, and which were now matter of history. The jury remembered that in May last a silly meeting was summoned to assemble in Calthorpe-street, or in a waste ground adjoining that street, for the purpose of allowing some ridiculous exhibition of political visionaries to evaporate. On that occasion, he thought, the Government would have done wisely to have allowed the evaporation, to have permitted the meeting to take place, and the concoctors of it to depart with the contempt of some and the ridicule of others. But that did not seem fit to the authorities at the Home-office; and then the jury, perhaps, would expect that for prudent men and statesmen the course would have been to prevent the meeting from taking place at all. It was not his business, however, to criticise the conduct of the Secretary of State; who suffered that rabble of men, women, and children, to assemble in full force, and when the idle business of the day was about to commence, a body of about 1,800 policemen charged them in military style, beating down and trampling under foot the defenceless and unresisting, the aged and infirm of both sexes, without mercy and distinction. In the conflict two of the policemen were wounded. Indeed it was not in human nature that men would allow themselves to be beaten to the ground with truncheons or bludgeons, and to make no resistance. The result was that two policemen were wounded and one was murdered. The name of that man was Robert Culley. On that occasion, the unfortunate plaintiff was one of the many thousands assembled; and

it was now as clear as day that he had no weapon about him, and that he had inflicted neither wound nor stab upon any man. That he had proved to the satisfaction of twelve sworn citizens of London; but in the confusion and turmoil, he had the misfortune to be taken into custody, upon the charge of stabbing the two survivors of the wounded police. He was satisfied that if the jury reflected for a moment, they could fancy no more dreadful situation than that of a man who, at a period of great political excitement, when the minds of the people were exasperated against the disturbers of the public peace, and were disgusted at the flow of human blood, had the two charges brought against him of stabbing the policemen—charges which affected his life, and which were rendered doubly dangerous by the excitement of the time. It was impossible to conceive a more affecting or perilous situation. The Government instituted every possible investigation. A jury was assembled. Numberless witnesses were examined. No money was spared, no time was grudged: and yet the murderer could not be discovered. At that time Mr. Furzey was in prison. Access could be had to him by any of the jury, by any of the prosecutors, by any of the police, or by any of the agents of Government, if any suspicion could attach to him. But the investigation terminated in nothing. The murderers could not be ascertained. The time was then approaching when this man Furzey was to take his trial, upon the charge of stabbing the two policemen. Now, the *Morning Chronicle* newspaper, of which Mr. Clement, the defendant, was proprietor, had for many years advocated the principles of the persons who composed the present Government. Of course he did not blame the conductors of the paper for that. Every man was entitled to defend and to enforce his own opinions, and to choose his own party, without being called to account by either of the other two parties which now divided the public mind. The *Morning Chronicle* had always advocated the cause of the Whigs out of place with all the



eagerness of men wanting place ; and had supported them in office with all the love of retention which could actuate placemen. On the occasion of the affray in Calthorpe-street the editor of that paper felt himself called upon to justify by any means the conduct of the Whig Government, and to make it appear that the police had been most foully treated ; and in the whole press the Government had no more zealous or able advocate than the editor of that paper. The police, if he was to be credited, were angels all through the transaction, and had been most brutally treated. He (Mr. Phillips) begged of the jury to call to mind the situation in which Furzey at that time stood ; he was within a week of his trial, the Government being his prosecutors. He had, indeed, the advantage of the professional assistance of the gentleman (Mr. Flower) who now sat before him (Mr. Phillips), and who felt for a man who was so oppressed, and whose life was wrongfully placed in jeopardy. Furzey had no means of providing for his own defence, and he (Mr. P.) believed that Mr. Flower gratuitously defended him, with a determination that if the man should die, he should not suffer without a trial, and a full opportunity of personal vindication. He was brought through that trial ; but his adviser felt that justice was not consummated. If there was one principle of British law better established than another, or more consonant with the constitution and with humanity, it was that, when a man was called upon to answer a charge affecting his life and character, he should be sent to trial without prejudice ; his perfect innocence being presumed until the verdict of a jury should have pronounced him guilty. It was, therefore, that he (Mr. P.) complained, this day, that the proprietor or the editor deliberately intended to violate that principle, and that he sat down in cold blood, either for pecuniary profit, or through political zeal, to send a fellow-creature to his doom. That was certainly a grave charge for him (Mr. P.) to make against any man ; but it was still more

grave, and it was inconsistent as much with worldly honour as with Christian charity, to make the charge of murder against a man so situated as Furzey was, and that, too, either with deliberate falsehood or upon groundless rumour. That the editor of the *Morning Chronicle* had done so admitted of no dispute. He (Mr. P.) had the document in his hand to speak for itself ; it was headed, "From a Correspondent ;" that was the trick of newspaper proprietors when they wish to give vent to malignant calumnies, for which they feared to make themselves responsible. The paragraph confidently stated, on the authority of the correspondent, that two disinterested persons had clearly identified Furzey as the person whom they had seen giving Culley his death-blow. Now he begged the jury to bear in mind the time at which this statement was published. It was just one week before the trial of the plaintiff. The paragraph showed upon the face of it how cautiously and coolly the writer must have sat down to work, to impress upon the public mind that Furzey had been identified, fully and undoubtedly, as the murderer. Mark the phraseology—"It is confidently stated"—was not that to give the strongest probability to the supposition that Furzey was the murderer ? "It is confidently stated that Furzey has been clearly identified."—By whom ? It would not answer the purpose of the writer to leave it open to be suspected that some of the police had identified the man. No, no ! "He is clearly identified by two disinterested witnesses as the murderer of the unfortunate man Culley." This appeared on the 21. of June, and Furzey was to be tried on the 4. of July, and thus he had this abominable charge of murder hanging about him, and circulated through the streets for twelve long days before his vindication could be heard by a jury. If the charge were even true, there could be no justification of the positive and confident terms in which the editor had sent it forth. But it was, in fact, a perfect invention. No witness appeared on the trial to substantiate such a charge. No human voice was raised to accuse

the plaintiff of the crime of murder, although the libellous paragraph had been circulated for twelve days previously throughout the land; and it was universally believed, upon the faith of it, that the man was a blood-stained murderer. He (Mr. P.) could not guess what defence would be made by the able gentleman to whom the case of the defendant was intrusted. It could not be, however, the usual pretence in such cases, that the paragraph slipped in without the knowledge of the editor;—it was too cautiously—too anxiously worded. He never allowed an advertisement to slip in by chance; neither could he be told that so cautious a paragraph obtained accidental insertion. Perhaps the jury would be told that the plaintiff had suffered no damage by the libel, because he had been acquitted. But the jury would remember that its circulation for twelve days placed him in a double peril; and he would put it to them whether any one of them would not suffer injury in his fortune and reputation, if in the high day of his prosperity it should be put forth to the world that he was a bankrupt? Could the sufferer of such a libel come into court, and plead that the credit of Mr. So-and-so had not been injured, and that it stood as high as before the publication? He could imagine a man so high in the world that his character would not suffer anything by a libel. If all the newspapers in the kingdom proclaimed the Duke of Wellington a coward, no man would believe them. But was the ruffian who should have circulated the slander to escape unpunished? Was the press to exercise unchecked, so rank and odious a privilege? He now came to the question to what amount of damages the plaintiff was entitled? Suppose that he had been at large at the time of the publication, and entirely free from suspicion, what damages could compensate him for the injury done to his feelings and his character by being branded in a newspaper as an identified murderer? Which of you (said the learned counsel) could have borne the burden of so atrocious a charge? What compensation would you demand from a jury of your

countrymen, if you had been pointed at, as you walked the streets of your native city, as a man to be shunned by his fellows—tainted with human blood, and having the mark of human blood upon him? But understand the case of Mr. Furzey—he was at the time in prison; he was poor, and he stood alone against the Treasury; he was friendless and the whole strength of the Government was arrayed against him. Merciful God! was that a time to weigh him down with so monstrous a charge? He was already liable to the consequences of two charges, of which he was innocent, but either of which was innocence itself, in comparison with the guilt imputed to him by this abominable libel? And was this the country in which it was held as the most important principle of law and justice, that every man was innocent until his guilt was proved? Why was he to be prejudiced? Why was the jury to be told that an undoubted and identified murderer stood before them? I ask you upon your oaths, what effect that impression was likely to have on their minds? I know that an English jury would struggle against it, but it was not in human nature wholly to resist its influence. The sight of the accused in the dock would raise in your minds the horrid association. The spirit of the murdered man would appear to stand before you and demand justice at your hands. Suppose that this man was in fact the murderer; suppose the statement of the *Morning Chronicle* was as true as it was false; you know the gates of human mercy are closed against that crime, and for that reason the course of proceeding against the accused ought to be the more grave and unprejudiced. What, then, was to be said of the gratuitous libeller? That man who had to contend with two foul and groundless accusations, was not his condition sorrowful enough without another, and if possible, a falser, charge being fabricated against him? Would such injustice be tolerated in Algiers? Will you, gentlemen of the jury, tell your fellow-citizens that it is to be tolerated in England? If so, proclaim at once the supremacy of the printing-office.



I call upon you this day to lose sight altogether of the political question connected with the affray in Calthorpe-street. You are to decide whether we shall bind our necks to the tyranny of a calumnious press, compared with which the Bastille was freedom, and the Inquisition mercy. If this be freedom, no other liberty can co-exist with it. I have not adverted to his personal sufferings, not because I undervalue them, but because I have no power to describe them. By what criterion, think you, can you judge of them? You have haply, homes; you have fond families waiting your return from this court. How, then, can you form any conception of the wretchedness of the prisoner, whose life was endangered by two horrible and groundless charges, when this newspaper-writer heaped upon him this overwhelming fabricated accusation? Only think of the bitterness of his despair; think of the sufferings of his wife and family; think of their fears for his life; and, beyond that, for the gibbet for his memorial. The prejudice done to him by this slander, would have preyed upon him in his very grave, had he been convicted on the lesser charges. I was wrong when I told you that I had no standard by which I could estimate his sufferings. I had a standard. I could have adverted to my own feelings, when it fell to my lot to defend this unfortunate plaintiff. From those feelings I can estimate his. Never shall I forget the day, when all that was dear to him depended upon that poor discretion, which this libel had well nigh incapacitated. I had enough to contend with, God knows. It was not the strength of the Government that I feared. It was not the stratagems of the Home-office; it was not the corruption of the Treasury; it was not the strength of the bar; nor was it the willingness, the over-willingness of the Government witnesses; it was not these that I feared, but it was this (holding up the *Morning Chronicle*) monstrous and bloody record, which seemed to glow upon the wall, and to smite me as I stood up.

Mr. PLATT here interrupted the learned counsel.

Mr. PHILLIPS proceeded: I am glad that the defendant can feel this mode of putting this case; I am glad that he can feel that the tortured feelings of the plaintiff could not be compensated by all the money in the world. Put yourselves, gentlemen of the jury, for one instant in this man's place. Imagine him as he stood in the dock, looking anxiously round, searching every man's face, to discover if the horror of a murderer could be seen upon it. Tell me, then, what money could compensate you, for fifteen hours of agony so exaggerated? I call upon you, in the name of the violated laws and of the sacred privilege of trial by jury; I call upon you for the true interests of the press itself, not to turn a deaf ear to this poor man's complaint; if there be in the land a single infidel in the rich man's sympathy with the poor; if there be a single sceptic in the excellence of our institutions, I call upon you to rebuke him by your verdict this day.

THOMAS BROWNE, principal turnkey of Newgate, had received George Furzey into his custody on the 16. of May, 1833. There was a subsequent detainer lodged against him. He remained in custody till the 6. of July, when he was discharged. In the interval there had been a jail delivery, a sessions, at the Old Bailey.

In his cross-examination, this witness said he had not known Furzey previous to his commitment to Newgate. Witness had been in the prison the day of the trial, and had never seen Furzey there since. He did not return from the Old Bailey.

The two commitments of George Furzey, signed Fred. Adam Roe, Knt. were then put in and read. They were for stabbing with intent to murder.

The admission of the defendant that he was proprietor of the *Morning Chronicle* newspaper was then put in and read; also the libel which was as follows:—

"THE MURDER OF CULLEY THE POLICEMAN.—(From a correspondent).  
"—It is confidently stated that Furzey,

"the individual charged with stabbing  
 "two policemen, at the Coldbath-fields  
 "affray, has been fully identified in  
 "Newgate by a person who was pre-  
 "sent at the transaction, and who vi-  
 "sited the prison for the purpose, as  
 "the man who stabbed the unfortunate  
 "Culley. This person, we are given to  
 "understand, is prepared to prove the  
 "fact upon the trial."

Mr. PHILLIPS then intimated to the court that his case closed here.

Mr. PLATT, for the defence, addressed the jury. He was quite sure that they, in common with him and all others, had felt some surprise at hearing Mr. Phillips say, that the plaintiff's case was closed at that point; because if they only suffered their recollections to be carried back for a single half-hour, they would certainly remember that his friend, had been stating heaps of facts, one after another, as quick as he could, not one of which, however, he had proved. He had for instance, given a full and complete history of the Coldbath-fields business; and also another of the trial of the plaintiff, for his share in that transaction, at which trial he (Mr. Phillips) had said he was utterly paralysed. While he had been detailing all these circumstances, he (Mr. Platt) had repeatedly suggested to him the necessity of proving them subsequently; he had called on him to do so continually; and yet he had not put a single witness in the box to that effect. Was that, he (Mr. Platt), would ask, fair-play to the case? Was it acting fair to the jury, or even to the public? No; he had put no witness into the box, because he well knew that the publication of this paragraph had no effect on the trial; and because he was perfectly well aware that his witness would depose to that purpose. With respect to the cause of the present action, he (Mr. P.) was not there to apologize for the publication of the libel, as a libel; he was there merely to show that there was no evil intention in the mind of the publisher, and that consequently on that ground alone, the plaintiff was entitled to no damages. The defendant was charged with having set himself down

in cold blood and of malice aforethought, for political purposes, or what was far baser and more unjustifiable, for pecuniary advantage, and written this libel with a view of prejudicing the case of the plaintiff in the eyes of the public, and causing perhaps his death. And yet it was admitted on all hands that the defendant had never seen or heard of him previously; had no communication, acquaintance, intercourse with, or knowledge of, him whatever. The thing, on the face of it, appeared to him (Mr. P.) nothing better than a gross absurdity. If the editor of that paper was at enmity with Furzey—if he had had any cause of quarrel with him previously—it might be understood how private malice might actuate him to the publication. But when the parties were, as they were admitted to be, quite unknown to each other, it was only fairness and justice to infer that no malignant motive whatever entered into his share in the transaction, and therefore that there was no actual libel in the case, as the publication was not made with a view of prejudging or injuring the character of the individual. His friend (Mr. Phillips) had not, in his treatment of the case before the jury, been at all idle. He had taken a wide range in collecting his materials, and gone a far distance in his subsidiary recollections. He had compared George Furzey with the Duke of Wellington—*proh pudor*, the Duke of Wellington! and not content with that, he had gone to the grave, and sought to drag forth Culley, the murdered policeman, for the purpose of instituting another comparison. If he had succeeded in this it would no doubt be a great object; but as he had not, he (Mr. P.) would recommend him to rest content with George Colman's description of the ghost of the gardener lover which appeared to Molly Dumpling, the cruel cook-maid in Lord Hoppergallop's country-house.

"Tall as a poplar was his size,  
 Green, green his waistcoat was as leeks,  
 Red, red as beetroot were his eyes,  
 White, white as turnips were his cheeks."

But that was not the question for the jury. The question for them to try was



whether an imputed libel against the plaintiff was such as to justify a demand for excessive damages. It was stated in that libel, that the plaintiff had been satisfactorily identified as the murderer of Culley.

Mr. PHILLIPS (*sotto voce*) Culley.

Mr. PLATT would not quarrel about a name.

"What's in a name,—

A rose, by any other name, would smell as sweet."

He would not come to issue with his friend Mr. Phillips about the name, and he would therefore suffer it to be Culley. Well, Furzey was said to be identified as the murderer of Culley; and this information purported to come from a correspondent. To begin with the beginning, he would ask, who was George Furzey? What was George Furzey? Was he a man of unsuspected character at the period of this publication? Was his fair fame untainted by charge? Had the breath of slander, or the tongue of truth, never insinuated or imputed to him aught of which a man might be ashamed? Had he or had he not the brand of Cain on his brow? Was he or was he not suspected of a foul crime? What was the fact? He was at that time lying in prison, actually charged with having stabbed two individuals with intent to kill them; and, moreover, he was brought to trial on the very charge, before a jury of his country, subsequently. He (Mr. Platt) had now shown the jury, he hoped, that Furzey was not the stainless being that he might have been otherwise imagined at the time; and the rational induction in their minds would, he was satisfied, be that there could have been no such injury done to his character, as there unquestionably had been no prejudice to his case, from the publication of the libel, as his learned friend (Mr. Phillips) would fain establish. He was charged by the law with stabbing two individuals; he was charged in the libel with stabbing another who had died of the wound then inflicted; he was acquitted of the former; and though he had not been indicted for the latter by a criminal pro-

cess, he (Mr. P.) presumed one of his objects in coming before that court was to prove himself guiltless of the latter. He (Mr. P.) was very glad to find that Furzey, by this proceeding, proved that he deemed stabbing a policeman a crime. Yet this George Furzey, so accused, so committed, so tried, was in a civil action to be put forward, and, forsooth, because it was alleged he was identified as the assassin of Culley, to urge his demand for damages, to an amount as great, and in a manner as confident, as any of the innocent, the stainless, and unbreathed-on jury who sat in the box themselves. George Furzey complained that, by reason of the publication of the libel, he was damnified. Now, after the long tirade of his friend Mr. Phillips, he would venture to inquire when was the damage done him, and what was its amount? Mr. George Furzey, of whom the jury knew nothing, except what his (Mr. P.'s) friend, Mr. Phillips, told them; for instance, that he was a poor man—to move their pity, and that he was in a dungeon, to cap the climax. Who was this Mr. George Furzey? What was he? What damage could his character have received? Would it not have been the fairer way, he (Mr. P.) would ask, to show first who he was, and then show what damage he had received, than to proceed as his friend Mr. Phillips did? Both should have been satisfactorily shown before the case was sent to a jury. Yet neither had been done. His (Mr. P.'s) friend Mr. Phillips had said, in his poetical address to the jury, that the question was not a political question; but that it was simply a question as between man and man on the point of injury to character, and probable injury to life. Yet he (Mr. P.) would appeal to the recollection of all who heard that speech whether one half of it at least was not entirely composed of political matter? He (Mr. Phillips) had, however, stated that the libel was written for political purposes, and that the Government employed the defendant, and Mr. Clement had lent himself to them accordingly, for the purpose of injuring, perhaps destroying, the life and character of

Furzey. Where was the proof of this single one of the many assertions made by his learned friend? What was the form of the libel? "It is confidently stated," &c. Was that, he would ask, a charge—an imputation likely to affect either the life or character of the plaintiff? It was stated, likewise, to have come from a correspondent. However, he (Mr. P.) admitted that was no defence for the publication of any thing prejudicial to another, either that it came from common report or from an individual, because neither would be a justification of such a procedure. What was the libel, he would ask again? "It is confidently stated," &c. Was not that, he would ask the jury, a sufficient proof that the publisher of the newspaper did not state the fact on his own knowledge, but merely repeated that which he had heard from others, without attaching to it any expressions of belief? But, to meet this admitted fact, it was urged by his friend (Mr. Phillips) that Mr. Clement was actuated by political and paltry pecuniary motives in the part he took in the publication. Did he offer any proof of the assertion? Did his friend put forward a single witness to support the circumstance? He did not. What was the Calthorpe-street meeting, on which his friend had expended such a valuable mass of words? Was it a meeting of the nobility of the realm, or even of the gentry? Was it a congregation of the peers to oppress the people and advance their own privileges; or was it merely a collection of the property of the country met for the purpose of devising measures for their own protection, and the prevention of popular encroachment on it? No, it was neither a meeting of peers, nor property-men; but it was, or purported to be, a meeting of the people—the people themselves. Well, that admitted on all hands, he would next ask what was the *Morning Chronicle*, of which paper the defendant was proprietor? Was it not a paper which had been noted from its outset to the very moment at which he (Mr. Phillips) was then addressing the jury, as the able, the stanch, and the uncompromising advocate of popular

rights, privileges, and immunities? And who, when the present Government, accused as they were of conspiring against the life and character of this George Furzey; and through his person against the people; were they not generally the taunted supporters of the extension of popular privileges, the promoters of reform, and the appealers to the sense of public meetings as the justifier of their conduct on all occasions? Were they not charged by those opposed to their politics with convening public meetings for the purpose of carrying certain measures; and making use of masses of individuals to attain their political ends? And yet this was the paper and this was the Government charged by his friend, Mr. Phillips, the one with being the oppressors, and the other with being the advocate of the oppression of the people; the persecutors of George Furzey, and the paid supporters of that persecution. Unfortunately, however, not one word of it was proved; and therefore the jury would not, of course, believe a syllable of the charge, or approach a single step nearer to the induction sought to be established. The next thing to be considered by him (Mr. Platt) was the amount of the damages to be awarded. To aid this consideration it was necessary to establish the situation in life of Furzey. What situation in life did he fill? He (Mr. P.) would suppose by way of illustration that he was a journeyman shoemaker, and on that assumption—

Mr. PHILLIPS said that he (Mr. Platt) had no right to assume any thing of the kind.

Mr. PLATT contended, that he had a right to assume any thing, the contrary of which had not been proved. It was needless, therefore, for his friend, Mr. Phillips, to go on shaking his head as he did; as he had proved nothing to the purpose. He had taken very good care not to put witnesses in the box who could prove any thing of the kind; for, perhaps, if he had, the jury might be let a little farther into the causes of the prosecution, and the way in which it had been originated and conducted from the commencement; more, in fact,



than it would be safe for his case that they should be made acquainted with. But as he (Mr. P.) had said he should suppose George Furzey a shoemaker—a journeyman shoemaker—and suppose, as his friend had assumed, that the Duke of Wellington had been called a coward; at the same time, that it was insinuated, that Furzey had been indentified as a murderer; did any one think that Furzey, even in that case, would be entitled to such damages as the Duke of Wellington? Who was George Furzey he (Mr. P.) would ask again? No one knew any thing of him or about him. His occupation and condition in life were most studiously kept out of view by his friend, in the hopes that by so doing the jury would be induced, by the mystery hanging over the great personage, to do an act of injustice to the defendant, by awarding excessive damages for injury done to his shadowy character. His friend, Mr. Phillips, in his ardour for his cause, and every one, he would remark, *en passant*, knew whence that ardour had its origin—had expressed a wish, in his energetic oration, that the Government had suffered the Calthorpe-street meeting to proceed.

Mr. PHILLIPS protested against having words put into his mouth which he had not used; those he had used were of a directly contrary import.

Mr. PLATT insisted that his friend had used the words quoted, as he had taken them down literally as they fell from him; they were—

“I wish the meeting had been permitted to proceed, as it would have quietly separated when it had done, covered with the contempt of some, and the ridicule of others.”

These were his friend's words; but his friend in uttering them, perhaps, did not recollect the horrid consequences which had accrued elsewhere from a cause similar to the one described. He should have cast his retrospective glance on the occurrences which not long since took place in Bristol, and recollected that by reason of a laxity of determination, such as he suggested, life and property to an immense amount had been sacrificed to the fury of a brutal mob; and for a

space of two or three days, the second city in the empire placed at the mercy of the robber, the murderer, and the incendiary. It was the plain duty of every Government—certainly not to suppress peaceful meetings of the people for the purpose of obtaining just rights to interfere at once, where the slightest tendency to illegality was in the cause, or popular excess in the apparent consequences of popular assemblages; to interpose, in a word, for the purpose of preventing such a dreadful consummation as that of Bristol. He (Mr. Platt) had now treated all the topics of the charge, and the assertions unsupported, as he had shown, by which it was bolstered. The principal complaint made by his learned friend, in his oratory, was that the plaintiff, his client, had been branded, stained, and had imposed on him the taint of having spilled human blood. He (Mr. P.) would accommodate his phrases to the fancy of his learned friend as much as it might be possible for him to do. How stood the case of his client Furzey, at the time of this imputation? He was charged with having shed the blood of two individuals with intent to kill them. Was that being stainless? His learned friend had said, that though Furzey had not had a fair trial, he had been notwithstanding acquitted; he had, however, brought no witnesses who were present at that trial to sustain his assertion. The only one he had produced was a man who was not present; and who was, no doubt, ascertained to be in that situation before he was produced. But it was sought to be impressed on the jury, that the publication of the paragraph influenced the jury which tried the plaintiff. Would it not, he (Mr. P.) would ask the jury whom he had then the honour to address, be a gross libel on their understanding if such an insinuation were conveyed in their respect on that trial. Besides, most of them must know that the presiding judge, in his charge, always directed the jury, in every case, to dismiss from their minds all which was not evidence, and not to suffer for a moment anything which they might have pre-

viously heard to affect their judgment. With these observations he (Mr. P) should conclude. He left the case of his client, with the fullest confidence, in their hands.

**LORD LYNTHURST :** Gentlemen of the jury, the plaintiff in this case seeks to recover compensation in damages for the injury he has sustained by the publication of a libel against him by the defendant; the libel is admitted by the counsel for the defendant, and the plaintiff is entitled to damages. The plaintiff had been declared by the paragraph in question to have committed a murder, and there could be no doubt that it was a libel, and a libel of a gross character. The plaintiff states in his averment that circumstanced as he was at the time the libel was published, it was particularly grievous, as he was within a short time of taking his trial for an alleged offence, and that the declaration of his having been clearly identified as the murderer—was calculated to do him great prejudice. Gentlemen, stripped of all extraneous circumstances, this is the case, and it is for you to say what damages the plaintiff is entitled to receive. No evidence has been given of the plaintiff's situation in life, but it has been stated by his counsel that he is in humble circumstances, and it is for you, gentlemen, to say the amount of damages to which the plaintiff is entitled.

The jury retired, and after an absence of twenty-five minutes, brought in a verdict for the plaintiff—Damages 40*l*. The announcement of the verdict was received without any demonstration of feeling on the part of the audience.

TO

**DANIEL O'CONNELL, ESQ., M.P.**

(*From the Newcastle Press, 14. Dec., 1833.*)

**SIR,**—The publication of the speech of Mr. Hill to his constituents at Hull, in which that individual stated that an Irish member, who spoke with great violence against every part of the Coercion Bill, and voted against every clause, went to Ministers, and said, "Don't bate one single atom of that

"bill, or it will be impossible for any man to live in Ireland," produced great excitement throughout Ireland, and a universal desire to know who **THE TRAITOR** was. This statement, which, until the publication of the traitor's name by Mr. Hill, I never shall believe to be any thing else than the foulest of calumnies, and which I rejoiced to see repudiated by yourself and Mr. Sheil, in terms of the utmost indignation and abhorrence, only asserted the existence among those who voted against that atrocious measure of tyranny of a single traitor. Calumnious as we believe this assertion to be, its calumniousness fades into insignificance compared to the vast and accumulated calumniousness of the charge adduced against the Irish member in the subjoined document by Joseph Pease, Esq., of Darlington, member for the southern division of the county of Durham. From the daring audacity of the statement of this man, it would appear that the camp of Irish patriots literally swarms with traitors, and that in your country patriotism is but a synonyme of treachery. In this part of England the Coercion Bill excited general indignation and disgust, and many among the constituents of Mr. Pease loudly expressed their dissatisfaction with his votes on that tyrannical and unconstitutional measure. Those residing in Auckland forwarded to him a strong remonstrance on his conduct, signed by all the principal inhabitants of that district. To that remonstrance he returned the following reply:

*Mr. Pease's Letter to — Kelburn, Esq., Surgeon, &c., West Auckland.*

*Southend, 4 Mo 1, 1833.*

**RESPECTED FRIEND,**—Fairly presuming from the very respectable petition which I had the pleasure to present to the House of Commons, that many of my worthy friends at West Auckland and St. Helens Auckland, have felt a lively interest in the discussions which have taken place and have now issued in the passing of the Irish Disturbance Bill, and presuming also, that some of them may have been disappointed in my not gir-



ing the measure my firm opposition, it seems due to them, as well as myself, to offer to their consideration a few of those reasons which have influenced my conduct; they will not accuse me of more than error in judgment, as I seek favour and affection from no man nor set of men, as the independence of my votes proves. I trusted in the real bill as much as any one need do, but, after much anxious thought, resolved to write letters myself to every part of Ireland, to ascertain the wishes and feelings of the *thinking* portion of all classes, and to assure myself that an act so *outrageous* was really called for by the circumstances of that fine but unhappy country. Now *every one* of my answers contained expressions of the greatest anxiety for the passing of the bill even in its *original* shape; I need not say how greatly its severity has been mitigated; truly it is not like the same production; the monstrosity of its birth is scarcely to be recognised in its present shape. Well, all this has been the result of an increasing form of representations of the friends of a reforming Ministry, who have quietly, from time to time, urged upon the Government and others those ameliorating changes; not the result of the clamour of a fierce opposition. One of those who have thus secretly endeavoured to soften the bill, I have been, and would still have voted against military tribunals, &c. &c. Why then not? One or two nights I was ill and in bed. I have spoken of letters unanimously in favour of the bill. Again, the majority of the Irish M. P.'s, decidedly *almost all the respectable* men, were in favour of the bill. I believe Ireland to be *fairly represented*, and to speak by the majority of her representatives. Many of them told me, "English members ought to vote for this bill; we dare not, as our families would be MURDERED, and our houses pulled down, at the instigation of the AGITATORS;" then I could not vote for it, and for those reasons I could not vote against it. If the majority of my own constituents, thinking men, wished a measure I did not approve, should I be justified in voting against it?

Again, the most hostile to the bill, in the House, laughed and joked out of the House about how much money they had got, how much law business, by becoming agitators! and only deplored the bill ruining the most shameless of *trades*.

Against large meetings I did vote, because the Irish are ignorant and passionate; and a fiery orator, *free himself from harm*, brings a multitude into severe punishment by irritating them about their *real* and *great* grievances.

Now *I shall be one to claim redress of those wrongs*. I have sat pretty regularly from fourteen to sixteen hours per day, rarely never indeed till three, and mean to do my duty.

I am, very respectfully,

J. PEASE, jun.

On this letter it is not my intention at present to offer any other remark, than that I not only regard it as a foul libel on the patriotic representatives of the Irish people, but as a still fouler libel on the character of the Irish people themselves. I submit it, sir, to the indignant perusal of yourself; of this man's own constituents, and of every honest and sensible man in England and Ireland. I cannot conclude without expressing my conviction, that, if the statement of this great public libeller be true, the sooner the Union is repealed the better.

Something should immediately be done to secure this country from the contamination and contagion of Irish depravity. A political guarantee should be established between the two countries, to guard this from the corruption and pestilence of Irish patriotism. I can conceive no baseness or infamy greater than that of the man who should coolly avow to another, that either from cowardice, or from motives of ambition, he was in the habit of committing acts of public hypocrisy and treachery, and that he was making his whole life a lie. It is unnecessary to observe, that this letter is principally directed by Mr. Pease against you, and is written for the express purpose of degrading you in the estimation of the

people of England. Its object is to represent you as a tyrant and a despot, and all the patriotic representatives of the Irish people, as the slaves of a tyranny which they detest, but to which they are obliged to feign a pretended submission, and crouch with hypocritical servility.

The character of our public men in England is becoming baser and baser every day. On Friday next, a public breakfast is to be given in Darlington to this libeller of the people and representatives of the people of Ireland, at which Mr. Rippon, the member for the radical borough of Gateshead is to preside. This latter gentleman has condemned, in terms of the greatest severity, the Parliamentary conduct of Mr. Pease. Yet he sees no inconsistency in presiding at a breakfast to a man whose conduct he condemns. The opponent and supporter of the Coercion Bill are with mutual hypocrisy and reciprocated adulation, to flatter one another, and varnish over the contempt and detestation which each feels for the other, with compliments, the hollowness and insincerity of which will provoke a feeling, however gravely they may be uttered and received, of internal derision in the breasts of both. The scene will surpass, in dramatic interest and excellence, the famous one between Peach'm and Lockit.

I am, sir,  
your most obedient servant,  
CHARLES LARKIN.

### CISALPINE STRAWBERRY.

I HAVE had none of this strawberry-seed to sell this year, owing to the removal of my gardening things from KENSINGTON. I have had no convenience for raising the plants from seed this year. I have read, in the newspapers, that Mr. DOUBLEDAY, of NEWCASTLE, gathered a dish of strawberries on the 1. of this month of December, from plants raised from the seed which was sold by me; and I know that Sir CHARLES WOLSELEY had them in great abundance all through the months of October and November.

He has had the goodness to send me a large parcel of plants, raised this year from seed, and I have sent small parcels of them, by coach, to gentlemen that I know in several counties, knowing, of course, that they will, next year, distribute the plants amongst their neighbours. The ground should be dug well, the plants put in immediately, and firmly put in the ground, a *single plant* in a place, and at two feet distance from each other in every direction, and the planter will have strawberries, if he keep the ground clean, and nicely hoed, from the first week in July, till the hard frosts come, come when they may.—I have sent a copy of this paper with all the parcels of strawberry-plants.

My letter to Mr. FIELDEN, and Mr. FIELDEN's letter to me, published in the last *Register*, I have re-published in the pamphlet form, price TWO-PENCE, or eleven shillings and three-pence a hundred. At the request of some gentlemen at MANCHESTER, I have sent five thousand copies to that place. Any gentleman writing for a hundred copies, may have them sent to him by coach, or by any other conveyance.

It has been requested of me to republish my letters to young STUART WORTLEY on the subject of the debt. I have great reluctance to do this, because I see no reason why those who do not read the *Register* constantly, should be furnished with an opportunity of reading any part of it. However, I yield to this request this time, and will republish these letters, in a pamphlet, price TWO SHILLINGS, with a Preface addressed to the Members of the two Houses of Parliament. The stupid landlords may read them or not, just as they please; but, if they do not act upon them as well as read them, very few of them will be landlords to the end of their lives, unless such as are very old men. The working people seem determined to pay the interest of the debt no longer; and then the monster will first devour the tithes, and then the estates.



## LOCAL COURTS, &amp;c.

## LETTER V.

SIR,—I am now come to my fourth head of inquiry; namely, "Out of what materials the new courts may be best constituted." Under this head, the first point that suggests itself for consideration, is, what description of persons should be the judges: and it is a point of no small importance, to secure persons of the right description.

A mere mathematical judge is a savage; a mere classical one a coxcomb; a mere fast talker is an advocate on the bench; a mere political partisan has his business to learn; a mere man of jaw, though exercising judicial functions, is no judge at all. I may add, that a sanctimonious, or a high-church, or a Tory judge wrests the law a little aside to favour the powerful. I think I have, in my time, seen a specimen of each of these kinds of judges. We know as yet but little of any distinguishing mark of a Whig judge; but I apprehend no danger of a Whig judge wresting the law, ever so little, to favour the weak and humble.

Qualities equally essential with a knowledge of law, towards forming a good judge, are, a perfectly unbiassed and impartial mind, and a considerate and even humane disposition. Law itself, divested of humanity, is "rigour and not law." The mind of a judge ought to be a mind naturally disposed to love, and uphold justice as its first object. Its moving principle ought to be a sacred respect for the rights of all. It ought, too, to be as little alloyed as possible with personal vanity, or a conceit of its own superior attainments; so that it may not be employed on the bench in thinking of itself, but of the business in hand. But to enable such a mind to make an efficient and right use of its good natural dispositions, besides being well informed in general knowledge, it ought to be more especially well acquainted with the common wants and feelings of our nature; in order that, with such helps, it may the more surely and quickly see on

which side the right lies, where the letter of written law is wanting.

I freely own that my chief difficulty in regard to the judges of my new courts, arises from my being in doubt, not so much where we can find a sufficient number of persons of the proper constitution of mind, and with a fair share of the kinds of knowledge I have described, as how to secure the appointment of such persons, instead of our having persons of a different description chiefly preferred to them. What I am most apprehensive of, just at this time, unless special and careful provision be made in regard to whom the power of appointment shall be vested, is our being inundated with coxcombry from college: I mean, from college at Oxford or Cambridge exclusively. With all my admiration of these two renowned universities, they send forth, in my judgment, a larger quantity of coxcombry in every form, solemn, supercilious, shallow-conceited, impertinent, and insolent, than all the rest of the King's dominions; the parties themselves, as is natural, being all the while wholly unconscious of it. This class of persons, if the power of appointment were, just at this time, placed without check where, as a matter of course it will be, unless otherwise ordered by act of Parliament, would, I fear, if from the want of discernment alone, in the great majority of cases, be likely to be preferred even to the sensible and just men, who come to us from the same places. We must, however, have judges for the new courts; or we must continue, with our three sugar-hogsheads for the passage of the water of the Thames at London-bridge, unprovided with the means of administering justice in civil actions, in nineteen cases in twenty in which there is real occasion for it, and in which it would be called for, if ready means of trial were provided, and the terms on which decisions can be obtained, were made at all reasonable. Assuming, then, that any plan for additional courts, is not to be altogether abandoned, because at a given juncture, we may apprehend danger of a no very wise and discerning selection of indivi-

duals for judges, I hope presently to dispose of this matter regarding the constitution of the courts satisfactorily. But for better enabling your readers to form their own judgments concerning what I shall propose, it is first necessary to state a few particulars touching what causes of complaint I would or would not allow to be entertained by the courts, and how I would have particular descriptions of cases dealt with.

I have already, on several subjects, had to take into consideration the question of *expense*, but on every point on which that question can arise, the interest of the public at large is to be attended to, and weighed against the interests of the plaintiffs, or the would-be plaintiffs. And a due attention to the public interest will, I think, not simply warrant us in determining, but call on us to determine, that there are cases of such very trifling concern as that they ought to remain without the means of legal redress; that there are others which, though calling for, and to be entitled to, legal redress, are yet so unimportant in themselves, as that they will not justify the expense of the use of all the machinery of the new courts, little expensive as, I trust, that machinery will be; and that there are, again, others of somewhat more importance, but still of such subordinate importance, as that, though they will justify using the general machinery of the courts, they yet should, for the sake, indeed, of the parties as well as of the public, be exempted, in a great measure, from the observance of the regular forms of proceeding in an action, which ought to be observed in the remaining and more important causes; and which so ought to be observed for the sake of greater correctness and certainty, and preserving a more complete memorial of what has been done, in case it should on any future occasion become necessary to refer to it.

As to the first description of cases, we have already a maxim of law, that "the law takes no care about the merest trifles." I once knew an attorney, who, on a certain occasion, at the instance of his client, an innkeeper, sent

a person a "lawyer's letter," demanding payment of sixpence for two pints of beer, and three shillings and sixpence for the cost of the letter. With the exception of charges of a public nature, such as for parish rates, &c., and of the wages of servants and work-people, I would not afford any legal means of recovering common and ordinary debts of the amount of sixpence, or of less than five times that amount, namely, half-a-crown. With the above exceptions, it is better for both parties, whatever their stations in life, that a debt below half-a-crown should be lost, than that any form of legal proceeding should be permitted respecting it. "The first loss is the best," according to the authority of the country surgeon in the History of a Foundling. The loser may take care not to trust the same individual again; or, if he cannot be content to put up with his loss, he may soon find an opportunity, if already a creditor for 2s. 5d., of selling his debtor another pennyworth of goods, and then he may proceed against him. Not but that, in general, I should rather advise him to hold to the country surgeon's maxim, that "the first loss is the best," and, like the surgeon, to wash his hands of him.

The second description of cases to which I have alluded, are those of debts from half-a-crown upwards to another comparatively still small sum of money; and I shall name, for this limit, twenty shillings. For common debts arising out of contracts between private individuals (which will exclude debts in which any question of corporate right is involved, or actions of debt on statute, or claims of quit-rents, &c.), not exceeding, independently of any reduction by a set-off, twenty shillings, I am not prepared to insist that the expense of a jury ought to be incurred; but I am strongly disposed to think the contrary. Independently of the question of expense, it may also be fair and prudent, in such small cases, to admit of the statements of the parties themselves either without oath, or of one of them, but not of both, on oath, either in support of or in answer to the claim; and thus, in such cases,



to put the new courts on the footing of what are commonly called *courts of conscience*. If, however, it be so determined, I would have two commissioners associated with the judge for executing this part of the business of the court. And, to secure unexceptionable persons, these commissioners should be two churchwardens of two parishes within the jurisdiction, who should be appointed, and be under obligation, like jurymen, to serve in rotation. They should, too, be the churchwardens appointed by the vestry; not the minister's churchwardens.

I have named twenty shillings for the limit of the court-of-conscience jurisdiction in all cases, because, in enacting general laws, we cannot look to the characters of individuals as in any manner dependent on their rank or station in life; and because, as a *general* rule, I would admit of no man's own statement, whether on oath or not, by which, without more, he is either to recover, or to defend himself from, a claim exceeding twenty shillings. There are, doubtless, those who would not swear falsely, to gain or save 1,000*l.* or 10,000*l.* But mere station in life has little or nothing to do with a person's honesty or regard for veracity. I have met with those in the rank of gentlemen, who, I am quite sure, would, any day, swear falsely for five shillings, if they knew they could do so with safety. To make the necessary compromise, then, between the supposed hardship or improper suspiciousness of refusing to admit a person's own statement in his own case and the danger of admitting it, I fix the limit of court-of-conscience jurisdiction at twenty shillings. There will, it appears to me, be no hardship in requiring all persons, in cases of a larger amount, to take care to provide themselves with legal evidence.

The third description of cases to which I have alluded are still also cases of common debts between private individuals, but debts of an amount exceeding twenty shillings, and at the same time not exceeding another sum which may be regarded as still not sufficiently considerable to justify requiring such a

formal course of proceeding as in cases of still larger debts, and the remaining business of the courts; and for this limit I propose five pounds. In these cases the machinery of the courts, in so far as respects the judges and necessary officers of court and juries, should be used. But, though at the risk of some uncertainty, and the possibility of unfair advantage being occasionally taken (but for which, when it happens, means of correction should be provided), it may be usefully made the rule that a plaintiff shall serve the defendant with the particulars of his demand at the time of serving the process, and, if the action be defended, proceed to trial, without the delivery of a formal declaration, or requiring a formal entry of appearance, &c., by the defendant. And in these cases the only memorial of the proceedings may be merely short minutes of the nature and amount of the plaintiff's demand, and the defendant's answer, with the finding of the jury or other result of the cause, to be entered in a book to be kept for the purpose by an officer of the court.

In actions for wrongs, however, and in all cases except those before described, a formal declaration of the cause of action, however concise, and, where the action is defended, a formal plea, should be required; and, where made necessary by the plea, a formal replication, or other subsequent pleading. I have in my first letter observed that the use of these pleadings, where they assume the form of *special* pleadings, is, by bringing the parties to single and certain issues, to avoid uncertainty as to what they are about to try, and to save expense in witnesses. And I will not give them up because of having since run my eye over some proposed general forms in the schedules to the late rejected bill, of which forms I will here only say that, to the eye of a pleader, they were, in point both of phraseology and logic, the funniest and most tramontane things that were ever penned. They must, I suspect, have been brought from the Farther Calabria.

Having submitted the foregoing matters to your readers, I propose that the

persons to be appointed judges of the new courts shall be practising barristers, in the courts at Westminster, of a certain age and standing at the bar; that they shall continue to practise as barristers in those courts for a certain number of years after their appointment, say from ten to twenty years, according to their age when first appointed, or till fifty-five years of age; and that, whatever be their haleness of constitution, or the state of their faculties, they shall cease to be judges at seventy.

I know not where to look for a better description of persons, or for so good a description of persons elsewhere, for the judges, as those I have named. They must necessarily be supposed to possess a more extensive knowledge of law than those of any other class; they are, too, possessed of as just notions of general rights, and have as much "knowledge of the world," as those of most other classes. Neither know I why they may not be supposed to have as high a spirit of independence as any others. There may be, among them, (I ought here rather to say, among us), a sprinkling of serviles and trucklers by nature or bringing up; but, I believe, as few as among any other body of a public character, equally numerous. Nor is there anything in the nature of innovation in what I have proposed. There are already among the practising barristers in the courts at Westminster several who, as judges of courts in corporate towns which have cognizance of pleas between party and party, are judges for trying all the same descriptions of cases as those which will be within the jurisdiction of the new courts, and that, to any amount of debt or damages; besides other cases in which it is proposed to deny the new courts jurisdiction. And I have never heard of any general complaints, or, indeed, any complaints of the manner in which these judges perform their duties.

We have heretofore had, in the person of the second William Pitt, a prime minister of three or four-and-twenty. But however proper it may be to disregard age or experience in a prime minister, especially if "heaven-born," a

judge ought to have some experience. I will admit of no person being made a judge of my courts under twenty-eight. He will then have served a seven years' apprenticeship to the business of manhood. The candidate having this qualification in point of age, I propose that his standing and practice at the bar shall be seven years; or, if less than seven, but not less than four years, that the deficiency shall be allowed to be made up of double the number of years' practice below the bar as a special pleader, or equity draftsman, or, perhaps, as a conveyancer; though a conveyancer's immediate department in the profession has no necessary connexion with conducting actions or suits.

I propose that my judges shall continue to practise as barristers in the courts at Westminster, for a shorter or longer period after their appointment, for several reasons. First, their continuing to practise in London, must keep them familiar with the style and manner in which the business is conducted in the superior courts; which will tend to dispatch when they are sitting in their own courts. Secondly, their continuing to practise in London, must make them more mindful of acquainting themselves, without loss of time, with the new decisions of the superior courts, and the changes in the law, or its practice, by acts of Parliament or rules of court; with the reason for the changes, where a reason for them has been assigned, or can be discovered. As every succeeding session of Parliament promises to be more rife with such changes, and we have had of late such numbers of new rules of court, while it is understood that there are a hundred more nearly ready for promulgation, on the subject of pleading, it is the more necessary that the judges of any new courts should have opportunities of being on the same spot together, and conferring with one another, to assure themselves of the meaning of the new laws and rules before having to act on them, in order to any reasonable prospect of preserving a uniformity of law and practice throughout



England. We should, otherwise, soon have one law in Cornwall, another in Devon, and a third in Dorset, for one and the same case; and what it might become at Cartmel, across the Lancaster Sands, or in Westmoreland, no man could say. A third reason why the judges of my new courts should continue to practise as barristers in the courts at Westminster, is, that, from a regard to the interest of the public, I shall not propose for them such a rate of salaries as will be likely, or ought, to make men in their stations, and having the full exercise of their faculties, content with, without seeking to add to their means by the exercise of their profession. And, on this account, the circumstance of a person's being already possessed of a competent private fortune, ought rather to weigh against than in favour of his appointment as a judge. I intend that my judges shall be working judges; and the fewer among them who have the means of indulging the propensity to become drones, perhaps, the better.

To avoid the ungracious task of having too often to say to a judge, though judge only of a local and "inferior" court, "It is time for thee to be gone," these judges shall all quit their office at seventy years complete. I must insist on this point, without occupying your paper with assigning reasons in support of it.

But seeing that the judges of the new courts will, in the whole, necessarily be numerous (perhaps between fifty and sixty), besides providing that they shall at all events retire at seventy, it would seem necessary to take security from them, in one shape or another, for the proper discharge of their duties, while they continue to hold the office. For this purpose I think that either of the two following plans may be adopted with perfect justice to the new judges; that one of them should be adopted; and that the adoption of either will afford a reasonable protection to the public. First, a Board, to be composed of four persons from amongst the most learned lawyers, may be constituted for inquiring into the conduct of these judges,

on complaint being made against them, with power to suspend them for a reasonable time, or in case of proved gross incapacity or misconduct, to remove them entirely from office. The Board, however, should not have the power of directly touching their pockets by way of fine, lest it should grow into a practice to compound by a fine for continuing a person of proved incapacity in office. To guard against the danger of abuse in so serious a business as that of suspending or removing a judge, the Board should only have authority to act when all the members were present, and they should be required to state the facts on which their decision is founded. In addition to which, the party complained against should have the power of appealing to the fifteen judges of the superior courts.

The other plan which might be adopted, and which, if one could trust to theory alone, I should be inclined to prefer, occurred to me recently on hearing a rule granted for a new trial "for the misdirection of the judge." What an excellent contrivance (it occurred to me), if in such cases the judge himself were required to pay the costs of the day, with the costs of the motion arising out of his misdirection! Not *the debt or damages*, because the court above will set the case right as to that matter, but *only the costs of the day with the costs of the motion!* How satisfactory a remedy this in theory! But, alas! I fear the legislature could not be prevailed on to adopt a proposal of so unheard-of a nature, even though my judges will be judges only of inferior courts; and though it is found, I believe, by experience, that, the less important personages we are, the easier it is to prevail on Parliament to take security for our good behaviour. But again, supposing such a responsibility were to be imposed on the new judges, it would be thought reasonable that they should be paid a higher rate of salary to afford them some protection against the new risks they would have to run; but this is what I should be loath to accede to. And after all I am apprehensive that

the plan might throw difficulties in the way of discovering that *there has been any misdirection of the judge*. Upon the whole, therefore, it seems to me, that the first of the two plans is that to which we must resort.

Having, as on former occasions, drawn on your space at the utmost allowable length, I must conclude with begging permission to address you again when you can find convenient room for another communication. I beg to repeat the expression of the very great respect with which

I am, Sir,  
your most obedient,  
and humble servant,  
J. GEORGE,

Temple, December, 18, 1833.

Mr. Cobbett, M.P.

*From the LONDON GAZETTE,*

FRIDAY, DECEMBER 13, 1833.

#### INSOLVENT.

ROUTLEDGE, J., High Holborn, silkman.

#### BANKRUPTCIES SUPERSEDED.

BARNARD, J., Bristol, dealer in horses.

BRECKNELL, J., Blackbrook-park, Monmouthshire, miller.

STEPHENSON, E., Liverpool, joiner.

#### BANKRUPTS.

BARBER, J., Drury-lane, draper.

BUNKIN, J., Berner-street, Commercial-road, carrier.

COWARD, J., Bath, linen-draper.

DAVIDGE, G. B., New-cut, Blackfriars-road, printer.

DAVIES, J. H., Merthyr Tydvil, draper.

GOMERSALL, J., Burlington-arcade, Piccadilly, umbrella-maker.

HOLBROOK, J. N., Nottingham, lace-manufacturer.

JAMES, G. F., Paddington-street, St. Mary-lebone, grocer.

KENDALL, R., Gloucester, draper.

MILLS, F. and J., Wood-street, Cheapside, stay-manufacturers.

PRIESTLEY, J., sen., and J. Priestley, jun., Counter-street, Southwark, hop-merchants.

TRAHN, C. F., jun., Mark-lane, merchant.

WILLIAMS, W. R., East Retford, Nottinghamshire, spirit-merchant.

TUESDAY, DEC. 17, 1833.

#### BANKRUPTCY ANNULLED.

CHARD, W. B., Clutton, Somersetshire, innkeeper.

#### BANKRUPTS.

BARBER, S., Drury-lane, draper.

CONGREVE, H., College-street, Chelsea, and Queen-street, Cheapside, patent-medicine-proprietor.

CUMBERLEGE, J., jun., Old Broad-street, stock-broker.

DAVIS, D., Castle-street, Houndsditch, silversmith.

MONKHOUSE, W. J., Monythusloyne, Monmouthshire, flour-dealer.

MOSS, W., Monksherborne, Hampshire, carpenter.

SLATER, J., Peppard, Oxfordshire, coal-merchant.

WRIGHT, C., Dover, innkeeper.

#### LONDON MARKETS.

MARK-LANE, CORN-EXCHANGE, Dec. 16.—The supply of Wheat from the home counties was liberal, but the weather had materially affected the condition of many of the samples. Fine selected parcels fully realized the currency of last Monday, but those which handled rough were difficult of disposal, and little progress would be made in the coarse and ordinary descriptions, without submitting to lower rates. Old Wheats maintained their previous quotations. In bonded Corn we heard of no transactions.

We had a good supply of Barley, and as the demand was limited, the trade ruled extremely dull, with the exception of Chevalier and extra fine malting descriptions, all qualities were full 1s. lower than this day week, prices remaining the same as on Friday. Good malting parcels only obtained 31s.

Malt has experienced no improvement in demand or price.

We had a large show of Oats, and as purchasers came forward very reluctantly, the article experienced a slow, dragging sale, at scarcely so good rates as those obtained this day week.

Beans, both old and new, were very heavy, particularly the latter quality, and both must be noted 1s. cheaper.

White sustained no alteration in value, but maple and grey were each 1s. lower. Flour experiences a slow sale, and the quotations nominally the same.

Wheat .....	50s. to 59s.
Rye .....	—s. to —s.
Barley .....	25s. to 27s.
— fine .....	30s. to 32s.
Peas, White .....	—s. to —s.
— Boilers .....	40s. to —s.
— Grey .....	33s. to 37s.
Beans, Small .....	34s. to 39s.
— Tick .....	30s. to 34s.
Oats, Potato .....	24s. to 26s.
— Feed .....	19s. to 21s.
Flour, per sack .....	48s. to 50s.



## PROVISIONS.

Pork, India, new....	90s. to 95s.
— Mess, new ...	56s. to 62s. per barl.
Butter, Belfast ....	80s. to 82s. per cwt.
— Carlow .....	80s. to 84s.
— Cork .....	72s. to 74s.
— Limerick ..	71s. to 73s.
— Waterford..	74s. to 75s.
— Dublin ....	66s. to 68s.

SMITHFIELD, December 16.

This day's supply of Beasts, being that of what is annually termed the great Christmas market, was exceedingly good, both as to numbers and quality, inasmuch as it was the general observation of the market's oldest and most experienced frequenters, that they had seen more Beasts in it by several hundreds, but never, they thought, so great a weight of prime Beef! There were a considerable number of highly fattened Oxen, Steers, and Heifers, of almost every breed, but those that were considered as the prodigies of the supply, were four Devons, we think the completest in all their points, we ever saw or handled, fed by Mr. Coke, of Holkham, Norfolk, and sold by Messrs. Vorley and Son; and twelve Durham Oxen, fed by Sir Charles Knightly, bart., Fawsley Park, Northamptonshire. The supply of small stock, which embraced a considerable number of highly fed Sheep, was but limited. Trade, owing to advanced prices being stiffly demanded, was, especially in the early part of the day, rather dull; with Beef at an advance of 2d. per stone; with Mutton, Veal, and Pork, at Friday's quotations.

About three-fifths of the Beasts consisted of, as nearly as we could ascertain from the crowded state of the market, about equal numbers of Herefords and Devons, the remainder of about equal numbers of short-horns, Welsh runts and Scots, about 300 Sussex Beasts, a few Irish Beasts, Staffords, &c. About 2,700 of the Devons, Herefords, short-horns, and runts, including a few Scots, were from Leicestershire, Lincolnshire, Northamptonshire, and others of our northern grazing districts; about 400, chiefly Devons, runts, and Herefords, from our western and midland districts; about 300 from Norfolk, Suffolk, Essex, and Cambridgeshire; about 400, embracing the Sussex Beasts, from Kent, Sussex, and Surrey, and most of the remainder from the stall-feeders, &c. in the vicinage of London.

About three-fifths of the Sheep appeared to be new Leicesters, of the South Down and white-faced crosses, in the proportion of about two of the former to five of the latter; about a fifth South Downs, and the remaining fifth of about equal numbers of old Leicesters, Kents, and Kentish half-breds, with a few pens of horned and polled Norfolks, horned Dorsets, horned and polled Scotch and Welsh Sheep, &c.

MARK-LANE.—Friday, Dec. 20.

The arrivals are large. The market dull, and prices rather lower than on Monday.

## THE FUNDS.

3 per Cent. }	Fri.	Sat.	Mon.	Tues.	Wed.	Thur
Cons. Ann. }	—	—	—	—	—	—

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"SIR,—The sample of Patent French Distilled Brandy you sent me, I have accurately examined; and having instituted a series of experiments on it, and on the finest French Brandy, I have in these comparative trials been able to discover so little difference, either in their composition or effects, that they may be considered as identical, excepting that your Brandy is free from uncombined acid and astringent matter, which exists more or less in most of the Brandies imported from France.

"I remain, Sir, yours respectfully.

"JOHN THOMAS COOPER,

"Lecturer on Chemistry."

"To Mr. Betts."

"Long Acre, Nov. 14, 1829.

"SIR,—Having examined and analysed samples of genuine French Brandy, and compared them with the Brandy of your own manufacture, I am bound to say, and do assert it with confidence, that for purity of spirit, this cannot be surpassed; and that your Patent Brandy is also quite free from those acids which, though minute in quantity, always contaminate the foreign spirit.

"In obedience to your request, I have sealed several bottles of your Brandy, which I shall preserve for the purpose of comparison, should this be required at any future period.

"I remain, Sir, your obedient servant.

"JOSEPH HUME,

"Chemist to his Majesty."

"J. T. Betts, Esq."

The Patent Brandy, which is of the highest legal strength, may be had either *pale* or *coloured*, at 18s. per imperial gallon, and will be sent to any part of town in quantities of not less than two gallons, for Cash on delivery.

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"In my family, and of course under the direction of my wife, we have, in the first place, suet-puddings boiled, batter-puddings boiled, Yorkshire puddings baked under the meat; and baked puddings in which the corn flour supplies the place of ground rice, we have all these puddings in the greatest perfection, made wholly of corn flour.

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